

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL SALADINO, MD.,

ORDER OF DEFAULT

- against -

20 cv 09346 (NSR)

FRANK TUFANO and
FRANKIE FREE-RANGE MEAT, LLC,

Defendants.

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Nelson S. Román, D.J.:

WHEREAS, this action was commenced on November 7, 2020, by the filing of the Summons and Complaint, and a copy of the Summons and Complaint was personally served on the Defendant Frank Tufano, on November 20, 2020, by personal service, and a proof of service was filed on November 25, 2020;

WHEREAS on March 9, 2021, Plaintiff served the Co-Defendant Frankie's Free-Range Meat, LLC, with the Summons and First Amended Complaint, by effectuating service upon the New York Secretary of State and proof of service was filed on March 16, 2021;

WHEREAS despite having received service of process, the Defendants Frank Tufano and Frankie's Free-Range Meat, LLC have not answered the First Amended Complaint, and the time for the Defendants to answer the First Amended Complaint has lapsed;

WHEREAS in the Amended Complaint, Plaintiff has asserted five separate causes of action sounding in violations of the Lanham Act, pursuant to 15 U.S.C. § 1125(a) and 15 USC § 1125(d),

New York State Gen. Bus. Law 148, New York State Gen. Bus. Law §349, and common law Defamation;

WHEREAS it is an “ancient common law axiom” that a defendant who defaults thereby admits all “well-pleaded” factual allegations contained in the complaint. *City of New York v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 137 (2d Cir. 2011) quoting *Vt. Teddy Bear Co. v. I-800 Beargram, Co.*, 373 F.3d 241, 246 (2d Cir. 2004);

WHEREAS Defendants Frank Tufano and Frankie’s Free-Range Meat, LLC have defaulted in this action;

WHEREAS Plaintiff seeks to recover damages on all of his claims, including under the Lanham Act, consisting of compensatory, punitive and statutory damages (in the amount of \$100.000.00), pre-judgment and post-judgment interest, reasonable attorney’s fees and cost;

WHEREAS Plaintiff seeks a Court Order enjoining Defendants Frank Tufano and Frankie Free-Range Meat. LLC, and those acting in concert, from publishing any further defamatory statements concerning the Plaintiff;

WHEREAS Plaintiff seeks a Court Order Directing the Defendants Frank Tufano and Frankie Free-Range Meat. LLC, to forthwith delete and remove any and all defamatory videos from Defendant Frank Tufano’s YouTube Channel;

WHEREAS Plaintiff seeks a Court Order Directing the Defendants Frank Tufano and Frankie Free-Range Meat. LLC, to immediately take down, remove, delete the defamatory website <PaulSaladino.com>;

WHEREAS Plaintiff seeks a Court Order Directing the Defendants Frank Tufano and Frankie Free-Range Meat. LLC, to immediately transfer ownership of the domain name <PaulSaladino.com> to Plaintiff; it is hereby

ORDERED, ADJUDGED AND DECREED: That Plaintiff is hereby entitled to and is granted a Judgment of Default as to each and every claim as against each named Defendant Frank Tufano and Frankie's Free-Range Meat, LLC, on the issue of liability;

ORDERED, ADJUDGED AND DECREED: That Defendants shall forthwith or within a reasonable time permanently transfer the Domain Name <PAULSALADINO.COM> to Plaintiff;

ORDERED ADJUDGED AND DECREED: That Defendants are enjoined from making public statements referencing that Plaintiff copied, plagiarized, stole or otherwise improperly used Defendants' or any other third party's work; engages in dishonest practices in connection with his business, trade, or profession; abuses prescription or illegal drugs; improperly or illegally manipulates social media posts; or engages in any inappropriate sexual activity;

ORDERED ADJUDGED AND DECREED: That Defendants are directed to forthwith remove and delete all of the defamatory videos on Defendant's YouTube channel related to Plaintiff, including:

- a. The First Nov. 7, 2019 Video: <https://www.youtube.com/watch?v=cyXgRJ99gks>;
- b. The video published February 5, 2020: https://www.youtube.com/watch?v=TJI8H1_joO8;
- c. The video published October 16, 2020: <https://www.youtube.com/watch?v=u4phKzDtfkE>;
- d. The video published October 18, 2020: <https://www.youtube.com/watch?v=2qTeIKWcCg8>;
- e. The video published October 31, 2020: <https://www.youtube.com/watch?v=ycGK23AC4J4>;
- f. The Nov. 19, 2020 Video: <https://www.youtube.com/watch?v=s4eEVzzaylM>; and
- e. any other video containing defamatory statements related to Plaintiff; and

ORDERED, ADJUDGED AND DECREED: The parties are directed to contact the Chambers of the Honorable Judge Judith C. McCarthy for the purpose of scheduling a hearing and issuing a Report and Recommendation on an assessment of damages, including compensatory and statutory damages, reasonable attorney's fees and cost.

Dated: White Plains, New York
January 30, 2025

SO ORDERED:



Hon. Nelson S. Roman
U.S. District Court Judge, S.D.N.Y.